

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

OWNBEY ENTERPRISES, INC.	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION
vs.	:	FILE NO. 4:05-CV-025-HLM
	:	
WACHOVIA BANK, N.A. and BANK:	:	
OF AMERICA, N.A.	:	
	:	
Defendants	:	

REQUEST FOR DISMISSAL OF DEFENDANT WACHOVIA BANK, N.A.

The Plaintiff, **OWNBEY ENTERPRISES, INC.**, and Defendant, **WACHOVIA BANK, N.A.**, having settled their issues in the above referenced civil action, Plaintiff requests the Court dismiss Defendant, **WACHOVIA BANK, N.A.**, with prejudice from said civil action.

This 15th day of August, 2006.

s/ R. Mike Withrock
STATE BAR OF GA. NO. 772315

Avrett, Ponder & Withrock
Post Office Box 705
Dalton, Georgia 30722-0705
(706) 226-0335

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OF AMERICA, N.A.	:	
	:	
Defendants	:	

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I certify that this Request for Dismissal of Defendant Wachovia Bank, N.A., has been typewritten in 14 point Times New Roman font and does not contain more than ten (10) characters per inch of type, in accordance with LR 5.1(B).

This 15th day of August, 2006.

s/ R. Mike Withrock
STATE BAR OF GA. NO. 772315

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2006, I electronically filed **REQUEST FOR DISMISSAL OF DEFENDANT WACHOVIA BANK, N.A.** with the Clerk of the Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

M. David Merritt
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s/ R. Mike Withrock
STATE BAR OF GA. NO. 772315

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